

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

CHAPTER 61

Statutory Authority: S.C. Code Section 48-1-10 *et seq.*

Notice of Drafting:

The Department is proposing to amend R.61-62, *Air Pollution Control Regulations and Standards* and the State Implementation Plan (SIP). The purpose of this notice is to extend the drafting period previously established by the July 22, 2005, drafting notice published in Volume 29, Issue No. 7 of the *South Carolina State Register*. All previous comments, as well as any additional comments received after this publishing, will be considered. Interested persons are invited to present their views in writing to L. Nelson Roberts, Jr., Regulatory Development Section, Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201. To be considered, comments must be received no later than 5:00 pm on Monday, March 27, 2006, the close of the drafting comment period.

Synopsis:

On March 10, 2005, and March 15, 2005, the United States Environmental Protection Agency (EPA) finalized two rules known as the “Rule to Reduce Interstate Transport of Fine Particulate Matter and Ozone (Clean Air Interstate Rule),” (also referred to as CAIR) and the “Standards of Performance for New and Existing Stationary Sources: Electric Utility Steam Generating Units,” (also referred to as CAMR), respectively.

CAIR was published in the Federal Register on May 12, 2005 [70 FR 25162]. This rule affects 28 states and the District of Columbia. In CAIR, the EPA found that South Carolina is one of the 28 states that contributes significantly to nonattainment of the National Ambient Air Quality Standards (NAAQS) for fine particles (PM_{2.5}) and/or 8-hour ozone in downwind States. The EPA is requiring these states to revise their SIPs to reduce emissions of sulfur dioxide (SO₂) and/or nitrogen oxides (NO_x). Sulfur dioxide is a precursor to PM_{2.5} formation, and NO_x is a precursor to both PM_{2.5} and ozone formation. The EPA has determined that electric generating units (EGUs) in South Carolina contribute to nonattainment of PM_{2.5} and 8-hour ozone in downwind states.

CAMR was published in the Federal Register on May 18, 2005 [70 FR 28606]. This rule establishes standards of performance for mercury (Hg) for new and existing coal-fired electric utility steam generating units, as defined in Clean Air Act (CAA) section 111(d). This amendment to the CAA establishes a mechanism by which Hg emissions from new and existing coal-fired Utility Units are capped at specified, nation-wide levels. States must adopt standards of performance for Hg emissions reductions by submitting an implementation plan, referred to as an “111(d) Plan” which requires a State rulemaking action followed by submittal to the EPA for review and approval.

EPA coordinated the concurrent release of CAMR with CAIR because a “co-benefit” of implementing the mechanisms for controlling SO₂ and NO_x emissions as required by CAIR is the reduction of Hg emissions. Coordinating the development of CAMR with the CAIR rule allows states to take advantage of the Hg emissions reductions that can be achieved by the air pollution controls designed and installed to reduce SO₂ and NO_x.

The EPA has established a schedule for states to submit their SIP and 111(d) Plan. South Carolina must submit its SIP under CAIR to EPA by September 11, 2006, and the 111(d) Plan under CAMR to EPA by November 17, 2006.

The Department proposes to amend Regulations 61-62, *Air Pollution Control Regulations and Standards* and the SIP to address the requirements of CAIR and CAMR.

The proposed amendments will require legislative review.